

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION**

DEBBIE PLUCKER,

Plaintiff,

vs.

UNITED FIRE & CASUALTY COMPANY,

Defendant.

Civ. 12-4075

**AFFIDAVIT OF COUNSEL IN  
RESPONSE TO DEFENDANT'S MOTION  
FOR SUMMARY JUDGMENT**

STATE OF SOUTH DAKOTA

)

: SS

COUNTY OF MINNEHAHA

)

Robert D. Trzynka, after being duly sworn upon his oath, states as follows:

1. I am one of the attorneys representing Debbie Plucker in the above-captioned lawsuit. I possess personal knowledge of the issues stated herein and have made due inquiry as to their status as of the date of this affidavit.

2. True and correct copies of the following documents are referenced in the Response to Statement of Undisputed Material Facts in Support of United Fire's Motion for Summary Judgment:

- A. Exhibit A is a true and correct copy of United Fire's Claims File;
- B. Exhibit B is a true and correct copy of excerpts from the deposition of Kristine Schares;
- C. Exhibit C is a true and correct copy of excerpts from the deposition of Roberta Sniffen;
- D. Exhibit D is a true and correct copy of excerpts from the deposition of Sherri White (Wade);
- E. Exhibit E is a true and correct copy of the NUCC Instruction Manual;

F. Exhibit F is a true and correct copy of Defendant's Answers to Plaintiff's Requests for Admission to Defendant (First Set);

G. Exhibit G is a true and correct copy of a letter from Dr. Lanpher to Attorney Bornitz;

H. Exhibit H is a true and correct copy of other Plucker releases accepted by Dr. Lanpher

I. Exhibit I is a true and correct copy of email from Kathy Justice to Tom Diefendorf dated July 26, 2011;

J. Exhibit J is a true and correct copy of excerpts from the deposition of Dave Conner;

K. Exhibit K is a true and correct copy of excerpts from the Employee Handbook;

L. Exhibit L is a true and correct copy of excerpts from United Fire's Bonus Program;

M. Exhibit M is a true and correct copy of excerpts from United Fire's Corporate Goals.

N. Exhibit N is a true and correct copy of Plaintiff's insurance policy.

O. Exhibit O is a true and correct copy of Plaintiff's Supplemental Answers and Responses to Defendant's Interrogatories and Requests for Production of Documents (Second Set).

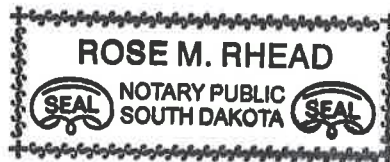
P. Exhibit P is a true and correct copy of the expert report of Paul Brenkman.

Dated this 9<sup>th</sup> day of January, 2015.

Robert D. Trzynka

Subscribed and sworn to before me  
this 9<sup>th</sup> day of January, 2015.

Notary Public – South Dakota  
My Commission Expires: 12/12/20



[SEAL]

### **CERTIFICATE OF SERVICE**

I certify that on the 9<sup>th</sup> day of January, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the appropriate parties:

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/s/ Robert D. Trzynka

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